

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

WELLS FARGO BANK, N.A., AS §  
TRUSTEE FOR MORGAN STANLEY §  
CAPITAL I INC., COMMERCIAL §  
MORTGAGE PASS-THROUGH §  
CERTIFICATES, SERIES 2006-IQ12, §  
ACTING BY AND THROUGH ITS §  
SPECIAL SERVICER, C-III ASSET §  
MANAGEMENT, LLC §  
VS. §  
H POINTE APTS. LP AND §  
NEWPORT PROPERTY APARTMENT §  
VENTURES, LTD. §

CIVIL ACTION NO. 4:10-cv-03140

**AGREED MOTION TO DISMISS WITH PREJUDICE**

Plaintiff Wells Fargo Bank, N.A., as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2006-IQ12, acting by and through C-III Asset Management LLC, in its capacity as special servicer (“Wells Fargo” or “Plaintiff”) and Defendants H Pointe Apts. LP and Newport Property Apartment Ventures, Ltd. (Plaintiff and Defendants collectively referred to as the “Parties”) file this Agreed Motion to Dismiss With Prejudice and would respectfully show the Court as follows:

1. All Parties to this proceeding entered into a confidential settlement in this matter and have resolved all claims that were or could have been asserted in this action, and respectfully request that this case be dismissed with prejudice, with each Party bearing its own costs.

2. This Motion is agreed to by the Parties.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully pray that the Court dismiss this cause with prejudice and enter a final Order in this cause in the form attached hereto, with each Party bearing its own costs.

Respectfully submitted,

WINSTEAD PC

By: Y. Islam Atasi

Yasmin Islam Atasi  
State Bar No. 10435150  
Fed. No. 13119

1100 JPMorgan Chase Tower  
600 Travis Street  
Houston, Texas 77002  
(713) 650-2735  
(713) 650-2400 (fax)

**ATTORNEY-IN-CHARGE FOR  
PLAINTIFF WELLS FARGO BANK, N.A., AS  
TRUSTEE FOR MORGAN STANLEY  
CAPITAL I INC., COMMERCIAL  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-IQ12, ACTING  
BY AND THROUGH ITS SPECIAL  
SERVICER, C-III ASSET MANAGEMENT,  
LLC**

OF COUNSEL:

Emily Herbster  
State Bar No. 24065403  
Winstead PC  
1100 JPMorgan Chase Tower  
600 Travis Street  
Houston, Texas 77002  
(713) 650-2666  
(713) 650-2400 (fax)

AND

HUGHES WATTERS ASKANASE, LLP

By: Lindsay Lambert by YIA with permission  
Lindsay L. Lambert  
State Bar No. 11844225  
Fed. No. 15079  
John P. Barnes  
State Bar No. 90001530  
Fed. No. 24044

Three Allen Center  
333 Clay, 29th Floor  
Houston, Texas 77002  
(713) 759.081  
(713) 759.6834 (fax)

**ATTORNEY-IN-CHARGE FOR  
DEFENDANTS, H POINTE APTS. LP and  
NEWPORT PROPERTY APARTMENT  
VENTURES, LTD**

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**CERTIFICATE OF SERVICE**

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The undersigned certifies that a true and correct copy of the forgoing document has been served by certified mail return receipt requested on this the 3<sup>rd</sup> day of November 2011:

Lindsay L. Lambert, Esq.  
John P. Barnes, Esq.  
Hughes Watters Askanase, LLP  
Three Allen Center  
333 Clay, 29th Floor  
Houston, Texas 77002  
*Counsel for Defendants*

Robert Blackwell  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081  
*Counsel for former Receiver*

By: Y. Islam Atasi  
Yasmin Islam Atasi